
Costs Decision

Site visit made on 10 June 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Costs application in relation to Appeal Ref: APP/V1260/W/24/3357398

34 Somerley Road, BOURNEMOUTH, BH9 1EN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by So Properties Management Ltd for a full award of costs against Bournemouth Christchurch and Poole Council.
 - The appeal was against the refusal of planning permission for the change of use from established House in Multiple Occupation (Class C4), to 8-bedroom House in Multiple Occupation (Sui generis)..
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG includes examples of unreasonable behaviour by planning authorities that may lead to a substantive award of costs. Amongst other things, this can include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; making vague, generalised or inaccurate assertions about a proposal impact; and not substantiating the reasons for refusal.
4. Whilst I appreciate the outcome of the application will have been a disappointment to the appellants, the Council were not unreasonable in coming to that decision from the information they had available to them. The concerns raised in the reason for refusal are apparent in the delegated report which adequately sets out how the proposal, in the Council's opinion, would conflict with relevant adopted planning policies and Supplementary Planning Documents. In particular, whilst I have come to a different opinion, the Council have clearly identified how they consider the proposal conflicts with policies and guidance relating to HMOs, impact on character, living conditions of neighbouring residents and protected sites.
5. Whilst the applicant considers that the extensions should have been determined as permitted development, this was an application for planning permission. Further the Council's Report does not limit itself to the character and appearance of the area in terms of physical alterations, it is also concerned regarding the character of the area in terms of the HMO use. Whilst I have found differently to the Council in these regards they were valid concerns. I am satisfied that these were relevant to the impacts of the proposed development that the Council were concerned with.

6. The applicant states that the Council did not consider the amended plans submitted by it during the application stage. However, whilst the National Planning Policy Framework (the Framework) states that Councils should “work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”, this does not mean that the Council is obliged to accept amended plans during a planning application. The appropriate time for the applicant to have sought to discuss the proposal with the Council would have been at the pre-application stage.
7. I acknowledge that I have reached different conclusions in my main decision to those reached by the Council regarding living condition and character and appearance. However, I am satisfied on the evidence before me that the Council adequately substantiated its refusal reasons through a sufficiently detailed and objective analysis of the proposal’s impacts, and why it would not be acceptable, having regard to relevant development plan policies. Consequently, I find that the applicant has not incurred unnecessary or wasted expense in the appeal process.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Tamsin Law

INSPECTOR